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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,557

05/26/2006

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42P22191

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45209

7590

10/28/2009

INTEL/BSTZ

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EXAMINER

WILLIS, JONATHAN U

ART UNIT

PAPER NUMBER

2441

MAIL DATE

DELIVERY MODE

10/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,557	Applicant(s) LIU, BENJAMIN	
	Examiner JONATHAN WILLIS	Art Unit 2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-19, 21 and 23-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-19, 21 and 23-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendments filed on 07/21/2009. Claims 1-13, 16, 18-19, 21, 23-30, 32, 34-35, and 37 are amended. Claims 14, 20, and 22 have been cancelled. Claims 1-13, 15-19, 21, and 23-39 are pending examination.

Claim Objections

2. Claims 15 and 21 are objected to because of the following informalities: The claims are dependent upon cancelled claims. Examiner suggests changing the Parent claims from the dependent cancelled claims to the independent claims **(Claim 15 should depend from Claim 11, and Claim 21 should depend from Claim 18)**. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

Art Unit: 2441

application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-8, 11-12, and 18-19 and 32 are rejected under 35

U.S.C. 102(e) as being unpatentable by US 2006/0107269 A1 to Bantz et al.

(hereinafter referred to as Bantz).

5. In regard to claim 1, **Bantz** teaches a method for a client platform coupled to a server platform via a network (*see client coupled to server via network, in Fig. 3 [101] [104]*) comprising:

determining (*e.g. "recognized," in [0006] Line 3*) that an input/output operation (*e.g. "plugged in," in [0006] Lines 2-3*) related to an input/output device (*e.g. "devices local to the user to be "plugged in", recognized," in [0006] Lines 2-3*) happens in a virtual machine of the client platform (*see device virtualization layer as virtual machine of physical client device, e.g. "the device to be detected locally, the device driver to be located, downloaded, and installed to the virtual machine," in [0006] Lines 6-8*); and

requesting the server platform via the network to handle the input/output operation related to the input/output device (*see sending and receiving via network, in Fig. 1, e.g. "sends that information to the virtual machine instance in server...The device information is used to...find out if support for that particular device exists on the server," in [0027] Line 7 – [0028] Line 4*) through a client network interface of the client platform (*see transmission of data over client's*

Art Unit: 2441

inherent network interface, e.g. "Input from the user's keyboard is transmitted over the network to the user's virtual machine," in [0010] Lines 4-5).

6. In regard to claim 2, **Bantz** teaches the method of claim 1, wherein the request (e.g. *"find out if support for that particular device exists on the server," in [0028] Lines 3-4*), comprises a server platform identifier to identify the server platform (see *inherent identification of server platform in connection of client to the server, in Fig. 3 [101] [104]*).

7. In regard to claim 3, **Bantz** teaches the method of claim 1, wherein the request (e.g. *"find out if support for that particular device exists on the server," in [0028] Lines 3-4*) comprises a device module identifier to identify a device module (e.g. *"gathers the information about the device such as the device model number and type, and sends that information to the virtual machine instance in server," in [0027] Lines 5-8*) from a plurality of device modules (see *inherent searching through multiple device drivers, e.g. "the device driver to be located," in [0006] Line 7*) in the server platform to handle the input/output operation related to the input/output device (e.g. *"find out if support for that particular device exists on the server...If not, the virtual machine instance in the server initiates the installation of a physical device driver in the server," in [0028] Lines 3-6*), wherein the device module corresponds to the input/output device (e.g. *"information about the device such as the device model number and type," in [0027] Lines 5-8*).

8. Claims 6-8 are corresponding machine readable storage medium claims of method claims 1-3; therefore, they are rejected under the same rational.

9. Claims 18-19 are corresponding machine readable storage medium claims of method claims 11-12; therefore, they are rejected under the same rational.

10. Claim 32 recite limitations substantially the same as the limitations of claims 1 and 11; therefore, they are rejected under the same rational.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4-5, 9-10, 15-17, 23-31 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bantz in view of US 4,860,190 to Kaneda et al. (hereinafter referred to as Kaneda).

13. In regard to claim 4, **Bantz** teaches the method of claim 1, further comprising:

receiving a feedback for the input/output operation (e.g. *"the device to be detected locally," in [0006] Lines 6-8*) from the server platform through the network (see *installation as feedback, e.g. "downloaded, and installed to the virtual machine," in [0006] Lines 6-8*), but

Bantz does not teach the feedback comprising a virtual machine identifier to identify the virtual machine in the client platform that is executing the input/output operation; and sending the feedback to the virtual machine identified by the virtual machine identifier as claimed.

However, **Kaneda** teaches the feedback comprising a virtual machine identifier (e.g. *"receives the identification number," in Col. 6, Line 1*) to identify the virtual machine in the client (e.g. *"computer system," in Col. 1, Lines 63-65*) platform that is executing the input/output operation (e.g. *"computer system for controlling virtual machines, each machine given a different identification number," in Col. 1, Lines 63-65*); and

sending the feedback to the virtual machine identified by the virtual machine identifier (e.g. *"to control the virtual machines and to decide which virtual machine will receive the control right of the CPU. The VM monitor assigns the identification numbers for the virtual machines," in Col. 5, Lines 55-59*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to add the feature of multiple virtual machines

Art Unit: 2441

with different identification numbers as disclosed in **Kaneda** into the teachings of **Bantz** since both references are directed to virtual machine operating system environments, hence, would be considered to be analogous based on their related fields of endeavor.

One would be motivated to do so in order to specify which virtual machine running on the client is to receive feedback, as it should be obvious to one of ordinary skill in the art to recognize that some sort of identification is necessary when transferring data in a network to a particular endpoint that has a plurality of equivalent environments for that endpoint.

14. In regard to claim 5, **Bantz** teaches the method of claim 1, and receiving instructions via the network (e.g. *"Mouse movements are tracked at the user's local machine and sent to the remote virtual machine via the network,"* in [0010] **Lines 5-7**), and a device module of the server platform (e.g. *"The device information is used to...find out if support for that particular device exists on the server,"* in [0027] **Line 7 – [0028] Line 4**), but

Bantz does not teach the method further comprising:

receiving an interrupt instruction issued by a device module, the interrupt instruction comprising a virtual machine identifier to identify a virtual machine to perform the interrupt instruction; and

Injecting the interrupt instruction into the virtual machine identified by the virtual machine identifier

However, **Kaneda** teaches the method further comprising:

Art Unit: 2441

receiving an interrupt instruction (e.g. *"if an interrupt request is in that port, an I/O interrupt for the VM monitor of the real machine will be generated,"* in **Col. 4, Lines 20-22**) issued by a device module (e.g. *"I/O interruption queue,"* in **Col. 4, Line 19**), the interrupt instruction comprising a virtual machine identifier (e.g. *"identification number,"* in **Col. 6, Line 1**) to identify a virtual machine to perform the interrupt instruction (e.g. *"By this handling routine...it is determined which virtual machine has issued the I/O instruction which caused the I/O interrupt,"* in **Col. 6, Lines 40-43**); and

Injecting the interrupt instruction (e.g. *"By this handling routine,"* in **Col. 6, Line 40**) into the virtual machine identified by the virtual machine identifier (e.g. *"By this handling routine...it is determined which virtual machine has issued the I/O instruction which caused the I/O interrupt,"* in **Col. 6, Lines 40-43**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to combine **Bantz** with **Kaneda** for reasoning set forth above in claim 4.

15. Claims 9-10 are corresponding machine readable storage medium claims of method claims 4-5; therefore, they are rejected under the same rational.

16. In regard to claim 11, **Bantz** teaches a method for a server platform coupled to a client platform via a network (*see client coupled to server via network, in Fig. 3 [101] [104]*),

Art Unit: 2441

receiving, from the client platform via the network, a request for an input/output operation related to an input/output device (see *sending and receiving via network*, in **Fig. 1**, e.g. “sends that information to the virtual machine instance in server...The device information is used to...find out if support for that particular device exists on the server,” in **[0027] Line 7 – [0028] Line 4**) by a server network interface of the server platform (see *output sent to client device through inherent server interface*, e.g. “The output is then routed to the actual printer 103 through the network connection and the virtual device hub 102,” in **[0029] Lines 9-10**); and

identifying a device module (e.g. “downloaded, and installed to the virtual machine,” in **[0006] Lines 6-8**) from a plurality of devices modules in the server platform to handle the request (e.g. “find out if support for that particular device exists on the server,” in **[0027] Line 7 – [0028] Line 4**), the identified device module (e.g. “downloaded, and installed to the virtual machine,” in **[0006] Lines 6-8**) corresponding to the input/output device related to the input/output operation (e.g. “the device to be detected locally, the device driver to be located, downloaded, and installed to the virtual machine,” in **[0006] Lines 6-8**);

obtaining a result (e.g. “recognized,” in **[0006] Line 3**) for the input/output operation (e.g. “the device to be detected locally,” in **[0006] Lines 6-8**) from the identified device module (e.g. “downloaded, and installed to the virtual machine,” in **[0006] Lines 6-8**);

constructing a feedback with the result (see *installation as feedback*, e.g. “downloaded, and installed to the virtual machine,” in **[0006] Lines 6-8**); and

sending the feedback (*see installation as feedback, e.g. "downloaded, and installed to the virtual machine," in [0006] Lines 6-8*) from the server platform to the client platform through the network (*see communication from server to client through network, in Fig. 1*), but

Bantz does not teach a virtual machine identifier to identify a virtual machine in the client platform that is executing the input operation as claimed.

However, **Kaneda** teaches a virtual machine identifier (e.g. "*identification number,*" **in Col. 1, Lines 63**) to identify a virtual machine in the client (e.g. "*computer system,*" **in Col. 1, Lines 63-65**) platform that is executing the input operation (e.g. "*computer system for controlling virtual machines, each machine given a different identification number,*" **in Col. 1, Lines 63-65**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to add the feature of virtual machine identification numbers as disclosed in **Kaneda** into the teachings of **Bantz** since both references are directed to virtual machine operating system environments, Hence, would be considered to be analogous based on their related fields of endeavor.

One would be motivated to do so in order to specify which virtual machine running on the client is to receive feedback, as it should be obvious to one of ordinary skill in the art to recognize that some sort of identification is necessary when transferring data in a network to a particular endpoint that has a plurality of equivalent environments for that endpoint.

Art Unit: 2441

17. In regard to claim 12, **Bantz-Kaneda** teaches the method of claim 11, wherein the request (e.g. *"find out if support for that particular device exists on the server,"* **from Bantz in [0028] Lines 3-4**) comprises a device module identifier (e.g. *"gathers the information about the device such as the device model number and type, and sends that information to the virtual machine instance in server,"* **from Bantz in [0027] Lines 5-8**) to identify the device module in the server platform device (e.g. *"find out if support for that particular device exists on the server...If not, the virtual machine instance in the server initiates the installation of a physical device driver in the server,"* **from Bantz in [0028] Lines 3-6**).

18. In regard to claim 15, **Bantz-Kaneda** teaches the method of claim 14, wherein the feedback (see *installation as feedback, e.g. "downloaded, and installed to the virtual machine,"* **from Bantz in [0006] Lines 6-8**) further comprise a client platform identifier to identify the client platform that has sent the request (see *inherent client identifier to install the device driver on the virtual machine, e.g. "downloaded, and installed to the virtual machine,"* **from Bantz in [0006] Lines 6-8**).

19. In regard to claim 16, **Bantz-Kaneda** teaches the method of claim 11, further comprising issuing an interrupt instruction (e.g. *"if an interrupt request is in that port, an I/O interrupt for the VM monitor of the real machine will be generated,"* **from Kaneda in Col. 4, Lines 20-22**) from a device module (e.g.

Art Unit: 2441

“the device driver to be located,” from Bantz in [0006] Line 7) of the plurality of device modules in the server platform (e.g. *“The device information is used to...find out if support for that particular device exists on the server,” from Bantz in [0027] Line 7 – [0028] Line 4).*

20. In regard to claim 17, **Bantz-Kaneda** teaches the method of claim 11, wherein the interrupt instruction (e.g. *“an I/O interrupt,” from Kaneda in Col. 4, Lines 20-22)* further comprises a virtual machine identifier (e.g. *“identification number,” from Kaneda in Col. 1, Lines 63)* to identify a virtual machine in the client platform to handle the interrupt (e.g. *“By this handling routine...it is determined which virtual machine has issued the I/O instruction which caused the I/O interrupt,” from Kaneda in Col. 6, Lines 40-43).*

21. Claims 23-25 are corresponding machine readable storage medium claims of method claims 15-17; therefore, they are rejected under the same rational.

22. In regard to claim 26, **Bantz** teaches a system, comprising
a client platform (*see client platform, in Fig. 3 [104]*) comprising:
determining (e.g. *“recognized,” in [0006] Line 3)* that an input/output operation related to a hardware device (e.g. *“plugged in,” in [0006] Lines 2-3)* happens in a virtual machine (e.g. *“the device to be detected locally, the device driver to be located, downloaded, and installed to the virtual machine,” in [0006]*

Art Unit: 2441

Lines 6-8) and construct a request for the input/output operation (e.g. *“find out if support for that particular device exists on the server,”* in **[0028] Lines 3-4**);

a client network interface (see *inherent communication interface to communicate with server*, in **Fig. 3 [101] [104]**) to send the request through a network (see *sending and receiving via network*, in **Fig. 1**); and the server platform (see *server platform*, in **Fig. 1 [101]**) comprising:

a server network interface (see *inherent communication interface to communicate with client*, in **Fig. 3 [101] [104]**) to receive the request through the network (e.g. *“sends that information to the virtual machine instance in server...The device information is used to...find out if support for that particular device exists on the server,”* in **[0027] Line 7 – [0028] Line 4**);

a plurality of device modules (e.g. *“the device driver to be located,”* in **[0006] Line 7**);

a controller to identify a device module from the plurality of device modules (e.g. *“the device driver to be located,”* in **[0006] Line 7**) to handle the request (e.g. *“find out if support for that particular device exists on the server...If not, the virtual machine instance in the server initiates the installation of a physical device driver in the server,”* in **[0028] Lines 3-6**), the identified device module corresponding to the input/output device related to the input/output operation e.g. *“the device to be detected locally, the device driver to be located, downloaded, and installed to the virtual machine,”* in **[0006] Lines 6-8**), but

Bantz does not teach:

a plurality of virtual machines, and

Art Unit: 2441

a virtual machine monitor as claimed.

However, **Kaneda** teaches:

a plurality of virtual machines (e.g. *“virtual machines each given a different identification number,”* **from Abstract**), and

a virtual machine monitor (e.g. *“the VM monitor,”* **from Abstract**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to combine **Bantz** with **Kaneda** for reasoning set forth above in claim 4.

23. In regard to claim 27, **Bantz-Kaneda** teaches the system of claim 26, wherein the request (e.g. *“find out if support for that particular device exists on the server,”* **from Bantz in [0028] Lines 3-4**) further comprises a device module identifier to identifier the device module in the server platform (*see inherent identification of server platform in connection of client to the server, from Bantz in Fig. 1 [101] [104]*).

24. In regard to the system of claim 28, **Bantz-Kaneda** teaches wherein the identified device module in the server platform is further to obtain a result (e.g. *“recognized,”* **from Bantz in [0006] Line 3**) for the input/output operation (e.g. *“the device to be detected locally,”* **from Bantz in [0006] Lines 6-8**), and construct a feedback with the result (*see installation as feedback, e.g. “downloaded, and installed to the virtual machine,”* **from Bantz in [0006] Lines 6-8**) and a virtual machine identifier (e.g. *“identification number,”* **from Kaneda**

Art Unit: 2441

in Col. 1, Line 63) to identify the virtual machine in the client platform (e.g. “computer system,” **in Col. 1, Lines 63-65)** under control from the controller (e.g. “computer system for controlling virtual machines, each machine given a different identification number,” **from Kaneda in Col. 1, Lines 63-65)**,

and the server network interface (see *inherent communication interface to communicate with client*, **from Bantz in Fig. 1 [101] [104]**) is further to send the feedback to the client platform through the network (see *server sending the device driver through the network to the virtual machine on client*, **in Fig. 1**, e.g. “downloaded, and installed to the virtual machine,” **from Bantz in [0006] Lines 6-8)**.

25. In regard to claim 29, **Bantz-Kaneda** teaches the system of claim 26, wherein

the client network interface (see *inherent communication interface to communicate with server*, **from Bantz in Fig. 1 [101] [104]**) is further to receive a feedback for the input/output operation from the server platform through the network (see *server sending the device driver through the network to the virtual machine on client*, **in Fig. 1**, e.g. “downloaded, and installed to the virtual machine,” **from Bantz in [0006] Lines 6-8)**; and

the virtual machine monitor (e.g. “the VM monitor,” **from Kaneda in Abstract**) is further to identify the virtual machine in the client platform that is executing the input/output operation (e.g. “executes a program of the VM monitor...to transfer the control right of the CPU to one of the programs of the

Art Unit: 2441

virtual machine regions...allocated for each virtual machine, so that one virtual machine may be operated,” from Kaneda in Col. 3, Lines 50-54) based upon the feedback and send the feedback to the identified virtual machine (see *installation as feedback, e.g. “downloaded, and installed to the virtual machine,” from Bantz in [0006] Lines 6-8).*

26. In regard to claim 30, **Bantz-Kaneda** teaches the system of claim 26, wherein

a device module (e.g. *“the device driver to be located,” from Bantz in [0006] Line 7)* in the server platform (e.g. *“The device information is used to...find out if support for that particular device exists on the server,” from Bantz in [0027] Line 7 – [0028] Line 4)* is to issue an interrupt instruction under control from the controller (e.g. *“if an interrupt request is in that port, an I/O interrupt for the VM monitor of the real machine will be generated,” from Kaneda in Col. 4, Lines 20-22)*, the interrupt instruction including a virtual machine identifier to identify another virtual machine in the client platform to handle the interrupt instruction (e.g. *“By this handling routine...it is determined which virtual machine has issued the I/O instruction which caused the I/O interrupt,” from Kaneda in Col. 6, Lines 40-43)*; and

the server network interface (see *inherent communication interface to communicate with client, from Bantz in Fig. 1 [101] [104]*) is further to send the interrupt instruction (e.g. *“I/O interrupt” from Kaneda in Col. 4, Lines 20-21)* to

Art Unit: 2441

the client platform through the network (*see connection from server to client, from Bantz in Fig. 1 [101] [104]*).

27. In regard to claim 31, **Bantz-Kaneda** teaches the system of claim 30, wherein

the client network interface *see inherent communication interface to communicate with server, from Bantz in Fig. 1 [101] [104]*) is further to receive the interrupt instruction (*see connection from server to client, from Bantz in Fig. 1 [101] [104]*); and

the virtual machine monitor (*e.g. "the VM monitor," from Kaneda in Abstract*) is further to identify the another virtual machine (*e.g. "By this handling routine...it is determined which virtual machine has issued the I/O instruction which caused the I/O interrupt," from Kaneda in Col. 6, Lines 40-43*) from the plurality of virtual machines (*e.g. "virtual machines each given a different identification number," from Kaneda in Abstract*) based upon the interrupt instruction and inject (*e.g. "By this handling routine," in Col. 6, Line 40*) the interrupt into the identified another virtual machine (*e.g. "By this handling routine...it is determined which virtual machine has issued the I/O instruction which caused the I/O interrupt," from Kaneda in Col. 6, Lines 40-43*).

28. Claims 35-37 recite claims that contain substantially the same limitations of claims 14-16; therefore, they are rejected under the same rational.

Art Unit: 2441

29. In regard to claim 38, **Bantz** teaches the method of claim 32, but

Bantz wherein the interrupt instruction further comprising a virtual machine identifier to identify another virtual machine in the client machine to handle the interrupt instruction as claimed.

However, **Kaneda** teaches:

interrupt instruction (e.g. "*I/O interrupt*" in **Col. 4, Lines 20-21**) comprising a virtual machine identifier (e.g. "*identification number*," in **Col. 6, Line 1**) to identify another virtual machine to perform the interrupt instruction (e.g. "*By this handling routine...it is determined which virtual machine has issued the I/O instruction which caused the I/O interrupt*," in **Col. 6, Lines 40-43**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to combine **Bantz** with **Kaneda** for reasoning set forth above in claim 4.

30. In regard to claim 39, **Bantz-Kaneda** teaches the method of claim 38, further comprising:

receiving an interrupt instruction (e.g. "*if an interrupt request is in that port, an I/O interrupt for the VM monitor of the real machine will be generated*," from **Kaneda in Col. 4, Lines 20-22**) through the network by the client platform (e.g. "*recognized*," from **Bantz in [0006] Line 3**)

identifying the another virtual machine in the client platform based upon the interrupt instruction (e.g. "*By this handling routine...it is determined which*

Art Unit: 2441

virtual machine has issued the I/O instruction which caused the I/O interrupt,”

from Kaneda in Col. 6, Lines 40-43); and

injecting the interrupt instruction (e.g. *“By this handling routine,” in Col. 6, Line 40*) into the identified another virtual machine (e.g. *“By this handling routine...it is determined which virtual machine has issued the I/O instruction which caused the I/O interrupt,”* **from Kaneda in Col. 6, Lines 40-43**).

31. Claims 13, 21, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bantz in view of US 2005/0198303 A1 to Knauerhase et al. (hereinafter referred to as Knauer).

32. In regard to claim 13, **Bantz** teaches the method of claim 11, but

Bantz does not teach determining whether the identified device module is in another server platform; and

sending the request from the server platform to the another server platform via the network, in response to determining that the identified device module is in the another server platform as claimed.

However, **Knauer** teaches determining (e.g. *“the server determines if a virtual machine already exists that offers the service,” in Abstract*) whether the identified device module (e.g. *“service from the virtual machine,”* **from Abstract**) is in another server platform (see *plurality of servers hosting virtual machines, in Fig. 1 [125], e.g. “server is coupled to carious other servers in server farm,” in [0020] Lines 1-2*); and

Art Unit: 2441

sending the request from the server platform to the another server platform via the network (e.g. *"see servers coupled together through network," in Fig. 1*), in response to determining that the identified device module is in the another server platform (e.g. *"the server determines if the requested service may be offered...the server switches, based on whether the requested service may be offered," in [0047] Lines 11-14*).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the current invention to add the feature of determining an additional server to obtain a service for handling a request as disclosed in **Knauer**, into the teachings of **Bantz**, since both references are directed to providing services to virtual machine operating system environments, hence, would be considered to be analogous based on their related fields of endeavor.

One would have been motivated to do so to add the additional benefit of having a backup server in case a primary server did not have the required software or was unable to fulfill a request in a desired way, as Knauer discloses the need for providing services to user's in different operating system environments (e.g. *"to offer other services requiring a different, incompatible hosting environment (e.g. different operating system or supporting environment software versions), the service provider has to configure another server with the other services...The invention addresses these problems and others in the art," from Knauer in [0005] - [0006]*).

Art Unit: 2441

33. Claim 21 is a corresponding machine readable storage medium claim of method claim 13; therefore, it is rejected under the same rational.

34. Claims 33-34 recite claims that contain substantially the same limitations of claim 13; therefore, they are rejected under the same rational.

Response to Arguments

35. In the Arguments/Remarks Applicant's argued in substance that:

(A) "**Bantz** teaches away from claims 1-3 and 6-8, which requests determining that an input/output operation related to an input/output device happens in a virtual machine of the client platform," because in **Bantz** "the virtual machine is installed on the server, rather than on the client," and **Bantz's** clients are thin-clients that do not perform the processing. **(Pages 18-19)**

As to argument A, Examiner respectfully disagrees with applicants referring primarily to the embodiment of the invention displayed in Fig. 3 (see "*Device Virtualization Layer*," in **Fig. 3 [301]**) as **Bantz** discloses that the invention is also applicable to physical machines (*e.g. "The invention is applicable to physical machines," in [0032] Line 1*) as well as thin clients, meaning the client devices as shown in Fig. 1, could contain their own virtual machine and still retrieve device drivers from the remote server (*see device*

Art Unit: 2441

virtualization layer as a virtual machine running on the physical client machine's operating system, e.g. "When the invention is applied to a physical machine, a device virtualization layer 301 is interposed in the operating system between the device 103 and the server 101. The device virtualization layer 301 of a remote platform is provided in the operating system," in [0032] Lines 2-7). Therefore, **Bantz** invention is applicable to Virtual Machine's running on a Thin Client through a remote server, as well as Virtual Machine's running on a Client Computer processing the Virtualization Layer.

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,996,026 to Onodera et al.

US 6,418,464 B1 to Minow

US 2003/0090704 A1 to Hansen

US 2005/0076324 A1 to Lowell et al.

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2441

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN WILLIS whose telephone number is (571)270-7467. The examiner can normally be reached on 8:00 A.M. - 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571)272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2441

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JONATHAN WILLIS/
Examiner, Art Unit 2441
10/28/2009

/Quang N. Nguyen/
Primary Examiner, Art Unit 2441